

UNITED STATES DISTRICT COURT

# DISTRICT OF NEVADA

FRANCISCO VIDAL,

Case No. 2:20-cv-00044-KJD-BNW

Plaintiff

## ORDER

V.

SGT. VANDIKE, *et al.*,

## Defendants

## I. DISCUSSION

Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*, including both an inmate account statement for the past six months and a properly executed financial certificate.

## II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within **thirty (30)** days from the date of this order,

1 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on  
2 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
3 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
4 fee and the \$50 administrative fee).

5 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
6 dismissal of this action may result.

7 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
8 (ECF No. 1-1) but will not file it at this time.

9 DATED: January 13, 2020

10   
11 Barbara A. Weisz  
12 UNITED STATES MAGISTRATE JUDGE

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